MINUTES OF THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

May 5, 1999

DIVISION ONE

B130789 Somerby

(Not for Publication)

v.

Superior Court, Los Angeles County

(Pong et al., r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its transfer order of March 18, 1999, in Los Angeles Superior Court case No. NC023006, entitled Judy Somerby v. Sylvia Pong et al., and to set and conduct a hearing on the issue of transfer. All parties shall bear their own costs.

Spencer, P.J., Vogel (Miriam A.), J. Masterson, J.

DIVISION TWO

B119319 People

(Not for Publication)

V.

Wanhainen

The judgment is modified to reflect that execution of sentence on Count IV is stayed, and to impose the additional \$200 restitution fine, to be suspended unless defendant's parole is revoked. The abstract of judgment is to be modified by inserting that the sentence on count IV is stayed pursuant to Penal Code section 654, and to reflect the additional suspended fine. The superior court is directed to prepare an amended abstract of judgment in accordance with the views expressed herein and to deliver a corrected copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.

Nott, J.

DIVISION TWO (Continued)

B127257 People (Not for Publication)

v. Moss

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B119184 McConnell et al. (Not for Publication)

v.

Ruggieri et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.

Nott, J.

B122792 Whittington (Not for Publication)

V.

Mirage Car Wash

The judgment of dismissal is reversed. Any hearing on the issue of dismissal of the action for delay in prosecution shall be noticed and conducted in conformity with Code of Civil Procedure sections 583.410 et seq. and the associated Rules of Court. The trial court shall also consider the issue of the "reasonable compensatory legal fees and costs" to be paid by counsel for plaintiff under Code of Civil Procedure section 473, subdivision (b).

Zebrowski, J.

We concur: Boren, P.J.

Nott, J.

DIVISION THREE

B112136 Robert and Johnsie Manlowe (Not for Publication)

v.

Farmers Insurance Exchange et al.

The judgment of dismissal is affirmed. Costs on appeal are awarded to defendants Farmers Insurance Exchange and Fire Insurance Exchange.

Kitching, J.

We concur: Klein, P.J. Croskey, J.

B121876 People (Not for Publication)

v.

Rodriguez

The judgment is modified by imposing a suspended \$500 Penal Code section 1202.45 parole revocation restitution fine. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J. Croskey, J.

B123147 People (Not for Publication)

v.

Stutson

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.

Aldrich, J.

DIVISION THREE (Continued)

B122328 People (Not for Publication)

v.

Roundtree

The judgment is modified to reflect state and county penalty assessments on the laboratory analysis fee in the respective amounts of \$50 and \$35 (Pen. Code, 1464; Gov. Code, 76000), and a parole revocation fine in the amount of \$200 (Pen. Code, 1202.45). In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur: Croskey, J.

Kitching, J.

DIVISION FOUR

B123954 People (Not for Publication)

v.

Kingsley Chuks, aka Michael Naddour

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

DIVISION FIVE

Court convened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B115047 Nissim v. Nissim

B122825 People v. Armando Cervantes

B120074 People v. Marcus Cosby

DIVISION FIVE (Continued)

Each of the following (cont.):

B125872 DCFS v. Sheila B.

B124840 People v. Andre Allen

B123855 People v. Thomas Panda

B118971 Watanabe v. Redondo Beach Police Dept.

Argument waived, cause submitted.

B124044 Marsh Plumbing, Inc.

v.

Weston D. Inman

Merits:

Argued by Stephen H. Krumm for appellant and no appearance for respondent. Cause submitted.

B122713 Stefano Ferrari

V.

Whoop, Inc.

Merits:

Argued by Andrew Wheaton for appellant and by Gary Gans for respondent. Cause submitted.

B122785 Judith McAllister

V.

Rosanna Grasska

Merits:

Argued by Michael J. Strumwasser for appellant and by Brian C. Pearcy for respondent. Cause submitted.

DIVISION FIVE (Continued)

B114950 Beverly A. Abbott-Staveley

v.

The Walt Disney Company

Merits:

Argued by Nikki Tolt for appellant and by John B. Quinn and Thomas H.

Edwards for respondent. Cause submitted.

Court adjourned.

B118385 Mansour Shaolian et al.

V.

Safeco Insurance Company

Filed order denying petition for rehearing.

DIVISION SIX

B125151 People (Not for Publication)

v.

Robinson

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.

Coffee, J.

DIVISION SIX (Continued)

B116104 People (Not for Publication)

v.

Cardenas

The trial court is directed to amend the abstract of judgment to reflect a suspended \$4,000 restitution fine pursuant to section 1202.45, and forward the amended abstract of judgment to the Department of Corrections. The judgment is otherwise affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.

Coffee, J.

DIVISION SEVEN

B123635 Burbank-Glendale-Pasadena

Airport Authority (Not for Publication)

v

City of Burbank

The judgment is reversed and the writ of mandate is vacated. The cause is remanded to the superior court with directions to enter a new and different judgment denying the writ petition. The City of Burbank shall recover its costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

B123632 City of Burbank (Not for Publication)

v.

Burbank-Glendale-Pasadena Airport Authority

The judgment is reversed. Appellants shall recover their costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

DIVISION SEVEN (Continued)

B122972 Los Angeles County, D.C.S. (Not for Publication)

v.

Corrina C.

In re Corrina R. et al., Minors

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

B124813 People (Not for Publication)

v.

Moore

The judgment is modified to impose a \$200 restitution fine under Penal Code section 1202.4 and a \$200 parole restitution fine under Penal Code section 1202.45. As modified, the judgment is affirmed. The superior court shall cause its clerk to send an amended abstract of judgment to the California Department of Corrections which states the imposition of the two restitution fines.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

B129163 Tina Y. (Not for Publication)

v.

Superior Court, Los Angeles County (Los Angeles County, D.C.F.S., r.p.i.)

In re Freddie Y. et al., Minors

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

DIVISION SEVEN (Continued)

B128368 People (Not for Publication)

v.

Superior Court, Los Angeles County

(George, r.p.i.)

The Court:

The alternative writ is discharged. Let a peremptory writ of mandate issue directing respondent court to vacate its order of December 2, 1998, granting George's motion to dismiss the People's petition for commitment under the SVP Act, and to enter a new and different order denying the motion, and to expeditiously consider and determine on its merits the petition for commitment under the SVP Act and proceed thereafter according to law as set forth in the SVP Act. The stay of George's release shall remain in effect until trial is concluded.

Lillie, P.J., Acting P.J., Johnson, J., Woods, J., Neal, J.